

Senate Bill 501

By: Senator Wiles of the 37th

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 11 of Title 2 of the Official Code of Georgia Annotated, relating to seeds and plants, so as to revise certain provisions relating to certification of seeds and plants; to provide for certification of drought tolerant plant species or varieties for landscaping and ornamental uses; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 2 of the Official Code of Georgia Annotated, relating to seeds and plants, is amended by revising Article 3, relating to certification of seeds and plants, as follows:

"ARTICLE 3

2-11-50.

The General Assembly declares that for the purpose of fostering improved agricultural, landscaping, and ornamental planting methods, promoting advances in agricultural fields, and giving legal status to an existing practice and for the general welfare of the people it is necessary to establish as a policy of this state ~~a method~~ methods for protecting the public in the guarantee of the high quality of seeds and plants for various agricultural pursuits and for promoting drought tolerant plant species and varieties for landscaping and ornamental uses. It is the intent of the General Assembly to carry out that policy by this article, protecting the public from false claims and unwarranted statements as to genetic identity, varietal purity, and germinating viability of seeds and plants presented and claimed to be foundation, registered, or certified; and informing the public regarding plant species and varieties for landscaping or ornamental use that, with application of best management practices, may be better adapted to drought conditions in this state.

2-11-51.

For the purposes of this article, the term:

(1) 'Certified seed' means the progeny of foundation, registered, or in special cases certified seed which meets the standards of the official seed certifying agency.

(2) 'Foundation seed' means the progeny of breeder's seed or in special cases the progeny of foundation seed which meets the standards of the official seed certifying agency.

(3) 'Plant' means seedlings, nursery stock, roots, tubers, bulbs, cuttings, and other parts used in the propagation of field crops, vegetables, fruits, flowers, trees, or other plants.

(4) 'Registered seed' means the progeny of foundation seed and meets the standards of the official seed certifying agency.

(5) 'Seed' means the true seeds of all field crops, vegetables, flowers, trees, or other plants.

(6) 'Variety' carries its original meaning and includes 'strains' of varieties which are sufficiently different from the parent variety to justify special designation.

2-11-52.

In order to execute the policy stated in Code Section 2-11-50, ~~the~~:

(1) The dean of the College of Agricultural and Environmental Sciences of the University of Georgia is authorized to provide for seed, plant, and variety certification and labeling. The dean shall designate the Georgia Crop Improvement Association, Inc., as certifying agency, provided that the Georgia Crop Improvement Association, Inc., must be in good standing with the Association of Official Seed Certifying Agencies. The College of Agricultural and Environmental Sciences of the University of Georgia shall not be held responsible for any claim, debt, obligation, or damage of any kind to any person in conducting certification work or in the work of the certifying agent; and

(2) The Commissioner is authorized to provide for certification of plant species and varieties for landscaping or ornamental use that, with application of best management practices, may be better adapted to drought conditions in this state. The Commissioner shall provide for publication of information regarding any such certified drought tolerant plant species and varieties for landscaping or ornamental use and may authorize labeling of packages of seeds or plants as drought tolerant species or varieties for sale to the consumer for landscaping or ornamental use. The department shall consult with the State Forestry Commission for purposes of certifying drought tolerant tree species and varieties for landscaping or ornamental use and may consult or contract with other state or federal government agencies or private entities for purposes of identifying other drought tolerant plant species and varieties for landscaping or ornamental use.

2-11-53.

It shall be a misdemeanor for any person, firm, association, or corporation selling seeds or plants in this state to ~~use~~:

(1) Use any evidence of certification, including specially designed tags or any tags similar thereto or the word 'certified,' on any package of seeds or plants, unless such seeds or plants have been duly inspected and certified as provided for in this article or have been inspected and certified by a legally constituted agency of another state or foreign country; or

(2) Use any evidence of certification as a drought tolerant plant species or variety for landscaping or ornamental use, including specially designed tags or any tags similar thereto or the words 'certified drought tolerant species' or 'certified drought tolerant variety' on any package of seeds or plants sold for landscaping or ornamental use, unless such species or variety of seeds or plants has been certified as drought tolerant for landscaping or ornamental use as provided for in this article.

The duty of enforcing this Code section shall be vested in the Commissioner."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.